

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIFFANY TAYLOR,

Case No. 11-13899

Plaintiff,

Nancy G. Edmunds

v.

United States District Judge

CAPITAL ONE, *et al.*,

Michael Hluchaniuk

Defendants.

United States Magistrate Judge

**REPORT AND RECOMMENDATION
DAMAGES BASED ON DEFAULT JUDGMENT (Dkt. 36, 42)**

I. PROCEDURAL BACKGROUND

On February 1, 2012, and February 24, 2012, plaintiff filed motions for default judgments against defendants J & A Spring and Tire, Inc. and Metropolitan Lincoln-Mercury LLC, respectively. (Dkt. 36, 42). On April 20, 2012, District Judge Nancy Edmunds entered an order granting the motions as to liability and referring the matter to the undersigned for a determination of damages. (Dkt. 54). Plaintiff subsequently filed a supplement to the motion for default judgment (Dkt. 58) and a statement supporting the damages claim. (Dkt. 71). On July 18, 2012, a hearing was held for the purpose of determining the amount of damages pursuant to Rule 55(b)(2)(B).

II. RECOMMENDATION

Based on the pleadings in this matter and the presentation of plaintiff's counsel on July 18, 2012, it is **RECOMMENDED** that damages in the amount of \$6,600.00 be **AWARDED** against defendant J & A Spring and Tire, Inc. and that damages in the amount of \$5,400.00 be **AWARDED** against defendant Metropolitan Lincoln-Mercury LLC.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to file any objections within 14 days of service, as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1981). Filing objections that raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health and Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Any objections must be labeled as "Objection No. 1," "Objection No. 2," etc. Any objection must recite precisely the provision of this Report and Recommendation to which it pertains. Not later than 14 days after service of an

objection, the opposing party may file a concise response proportionate to the objections in length and complexity. Fed.R.Civ.P. 72(b)(2), Local Rule 72.1(d). The response must specifically address each issue raised in the objections, in the same order, and labeled as “Response to Objection No. 1,” “Response to Objection No. 2,” etc. If the Court determines that any objections are without merit, it may rule without awaiting the response.

Date: July 20, 2012

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on July 20, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following Craig S. Schoenherr and Adam G. Taub.

s/Tammy Hallwood
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